

REMARKS

This amendment is in response to the Office Action dated May 4, 2009. Claim 44 is cancelled and claims 34 is amended without prejudice to the subject matter involved. Claims 28 – 29, 33 – 39 and 41 – 43 are in the application upon entry of this amendment; claims 33, 36, 38 and 39 stand withdrawn from consideration. Applicants reserve the right to pursue any cancelled or withdrawn subject matter in one or more continuing applications.

The objection to claim 44 is mooted by its cancellation.

Claims 34, 35 and 42 stand rejected under 35 U.S.C. § 112, second paragraph as allegedly indefinite for the reasons given on page 3 of the Official Action. Applicants respectfully traverse. While not acquiescing in the propriety of the rejection, claim 34 is amended to more clearly define a process step. With respect to claims 35 and 42, the meaning of the term “surface modifying compound” is clearly set forth in claim 34 from which claim 35 depends. Thus, the amendment and explanation render the 112 rejections moot.

Claims 28, 29, 34, 35, 37 and 41 – 43 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,956,129 to Scher et al. According to the Office Action, “[t]he p-toluene sulfonic acid and the tetrakis mercapto compound meet compounds (ID) an (IA) respectively, of claims 28, 35, 43 and 44.” Applicants respectfully traverse this ground of rejection.

More specifically, the Examiner alleges that p-toulene sulphonic acid anticipates the formula (ID) – which is benzene substituted by X and Z. In order for this to be correct, Z must be SO₃H and X must be methyl. However, the definition of X does not cover methyl; it can only be OH, SH or NHA. Although the definition of ‘A’ [within NHA] can be C₁-C₄ alkyl, X is not C₁-C₄ alkyl.

In addition, the Examiner alleges that Formula (IA) – which is X-Y₁-Z – covers tetrakis mercapto. The mercapto compound within (IA) is of formula [-CH₂-OC(O)CH₂CH₂SH] wherein X can be SH and Y₁ can be CH₂CH₂, but Z is **not** an ester; Z can be carboxylate. The Scher et al. reference does not teach a carboxylate group. Accordingly, Scher et al. does not anticipate the present claims.

For at least these reasons, Applicants respectfully request reconsideration and withdrawal

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of this ground of rejection as Scher et. al. does not teach formulae IA and ID and, therefore, does not anticipate the instant claims.

In view of the foregoing, Applicants contend that the disclosure in Scher et al. is inadequate to support a rejection grounded upon 35 USC § 102. Reconsideration and withdrawal thereof are earnestly requested.

In view of the above amendments and remarks, Applicants submit that the present claims are allowable over the cited art. Withdrawal of all rejections is respectfully requested, along with issuance of a Notice of Allowance. Applicants invite the Examiner to telephone the undersigned attorney of record if the Examiner feels that the call will be beneficial to advance prosecution of the application.

Respectfully submitted,

USPTO Customer No. 26748
Syngenta Crop Protection, Inc.
Patent and Trademark Dept.
410 Swing Road
Greensboro, NC 27409
(336) 632-7895

/William A. Teoli, Jr./
William A. Teoli, Jr.
Attorney for Applicants
Reg. No. 33,104

Date: August 4, 2009